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SUMMARY RECORD OF THE 68th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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GE.97-12525 (E)

The meeting was called to order at 11.15 a.m.

ORGANIZATION OF THE WORK OF THE FIFTY-FOURTH SESSION

1. The CHAIRMAN proposed that the Commission should adopt the following draft decision:

> "At its 68th meeting on 18 April 1997, the Commission decided, without a vote, in the light of the positive experience gained by rescheduling the dates of the fifty-second and fifty-third sessions, to recommend to the Economic and Social Council, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular sessions be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session be scheduled to take place from 16 March to 24 April 1998."

2. The draft decision was adopted without a vote.

CONSIDERATION OF DRAFT RESOLUTIONS UNDER AGENDA ITEM 13 (continued)

Draft resolutions E/CN.4/1997/L.9/Rev.1 and L.12/Rev.1 (Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Racism, racial discrimination, xenophobia and related intolerance)

3. The CHAIRMAN said he had been informed that the sponsors of the draft resolutions had agreed that action could be taken on both drafts simultaneously and that the amendments to draft resolution E/CN.4/1997/L.9/Rev.1 (E/CN.4/1997/L.113) would be withdrawn.

4. Mr. AMAT FORES (Cuba) confirmed that the amendments to draft resolution E/CN.4/1997/L.9/Rev.1 (E/CN.4/1997/L.113) proposed by his delegation would be withdrawn.

5. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to consider draft resolutions E/CN.4/1997/L.9/Rev.1 and L.12/Rev.1 simultaneously.

6. It was so decided.

7. Mr. MERIC (Turkey), introducing draft resolution E/CN.4/1997/L.9/Rev.1, said that after intensive consultations, it had been possible to arrive at a kind of common denominator on the question of racism. The draft resolution was based on the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Despite the efforts made by the Commission and by the General Assembly, the contemporary forms of racism were persisting and even gaining ground. Racism continued to have a considerable impact on the policies based on racial or ethnic superiority carried through by certain authorities. The phenomenon highlighted the need to take measures at both the national and the international level to eliminate that scourge.

8. A number of minor editorial changes had been made in the draft resolution in order to bring it into line with other texts. In the eighth preambular paragraph, the phrase "that under international law, racism is not an opinion but an offence" should be deleted. The words "with interest" in paragraph 1 and "full" in paragraph 2 should be deleted. Finally, the word "necessary" should be replaced by "appropriate" in paragraph 18.

9. The sponsors hoped that the draft resolution could be adopted without a vote.

10. Mr. ZAHRAN (Egypt), introducing draft resolution E/CN.4/1997/L.12/Rev.1, said that the draft resolution was the outcome of extensive negotiations making it possible to combine five draft resolutions on racism, racial discrimination, xenophobia and related intolerance. The idea had been to achieve an objective text that could be adopted by consensus. The phenomenon of racism was serious enough to threaten a great many societies and it was time for the international community to take a strong and clear stance against its dangers.

11. The following changes had been made to the draft resolution:

The thirteenth preambular paragraph should be deleted. In the seventeenth preambular paragraph, the phrase "called upon" should be replaced by "invited".

In paragraph 10, the word "outlined" should be replaced by "embodied" and the term "recalled" should be inserted before the phrase "in article 5 of the Convention;". Paragraph 11 should be deleted and the remaining paragraphs renumbered accordingly.

The final portion of paragraph 13 (formerly 14), after the words "inadequate and that the", should be revised to read: "General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;".

The final portion of paragraph 14 (formerly 15), after the words "for the Third Decade", should be replaced by: "and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;".

In paragraph 21 (formerly 22), the phrase "especially with regard" should be replaced by "with particular reference". In paragraph 25 (formerly 26), the phrase "with interest" should be deleted. The former paragraph 43 should be transposed to become the final paragraph in the draft resolution.

In paragraph 44 (new paragraph 42), a new subparagraph, to become subparagraph (a), should be added, to read: "To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;". The former

subparagraph (a) should be revised to read: "To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;". In the former subparagraph (b), the expression "of the scourge" should be replaced by "about the scourge". The phrase "xenophobia and related intolerance" should be appended at the end of former subparagraphs (c) and (d). Former subparagraph (d) should be transposed to become the final subparagraph (g). The first portion of the former subparagraph (e) should be revised to read: "To review the political, historic, economic, social, cultural and any other".

A new paragraph 44 should be inserted, to read: "Recommends to the General Assembly, through the Economic and Social Council, that when deciding on the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance, it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;".

Subparagraph (a) of the former paragraph 49 should be revised to read: "That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;". Subparagraph (b) should be deleted.

12. Mrs. KLEIN (Secretary of the Commission) announced that Chile, Israel, Bosnia and Herzegovina and Norway had become sponsors of draft resolution E/CN.4/1997/L.9/Rev.1 as orally revised and that Sri Lanka, Turkey and Brazil had become sponsors of draft resolution E/CN.4/1997/L.12/Rev.1 as orally revised.

13. Mr. LILLO (Chile) said his delegation wished to sponsor draft resolution E/CN.4/1997/L.12/Rev.1 as orally revised.

14. Mr. TARMIDZI (Indonesia), speaking on behalf of the member countries of the Organization of the Islamic Conference, said that they were gravely disturbed at the reference in the two draft resolutions to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71), in which the following passage was to be found: "The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source" (para. 27.3). Apart from the fact that such a statement constituted blasphemy against the Qur'an, the Commission could not allow itself to become a silent spectator of such defamation of one of the great religions of the world. He called upon the Chairman to condemn that defamatory statement on behalf of the Commission.

15. Mr. VERGNE SABOIA (Brazil) said he could go along with the consensus on the two draft resolutions under consideration, but wished to indicate his regret that the consensus had been achieved at the expense of a number of significant considerations. By deleting from the two draft resolutions the reference to the conclusion drawn by the Sub-Commission's Special Rapporteurs that under international law, racism was not an opinion but an offence (E/CN.4/Sub.2/1992/9), the Commission might well give the impression that it did not share that view.

16. His delegation was dissatisfied with the wording of paragraph 9 in draft resolution E/CN.4/1997/L.9/Rev.1, because it considered that incitement to discriminatory acts based upon racial hatred and racial violence had serious consequences. Merely to support the efforts of Governments to discourage, as appropriate, incitement to racial hatred and racial violence seemed very inadequate. Brazil likewise deplored the deletion from the preamble to the draft resolution of the reference to general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination, which held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression. The Commission should take a stronger attitude on that issue in future.

17. Mr. ZAHRAN (Egypt) endorsed the statement by the representative of Indonesia. The Special Rapporteur should have known that since Arabs themselves were Semites, it was absurd to speak of Islamist and Arab anti-Semitism. He wished to protest formally against any such allegation and to express the hope that racial slogans of that type would no longer be used in future. The Qur'an contained no incitements to racism - quite the contrary. The portion of the report on anti-Semitism was drawn from a study carried out at the University of Tel Aviv and communicated by the Ambassador of Israel to the Special Rapporteur, who should have checked his sources more thoroughly and conscientiously. The false allegations contained in his report should be deleted.

18. Mr. AKRAM (Pakistan) said that he fully concurred with the views expressed by the representatives of Indonesia and Egypt and that the Qur'an was the source of the tradition of tolerance that characterized Islam.

19. Mrs. GHOSE (India) said that her delegation had agreed to the deletion of paragraph 11 in order that a consensus might be reached on draft resolution E/CN.4/1997/L.12/Rev.1. India nevertheless remained convinced that racism was an offence, and it reserved the right to raise the issue in the General Assembly and other competent bodies. Like the representative of Brazil, she deplored the insufficiently strong wording of paragraph 9 of draft resolution E/CN.4/1997/L.9/Rev.1.

20. Mr. FERNANDEZ (Cuba) said that he fully shared the view expressed by the representative of India concerning paragraph 11 of draft resolution E/CN.4/1997/L.12/Rev.1 and was of the opinion that racism was an offence and must be combated as such.

21. Mr. DEMBRI (Algeria) said that he, too, was of the view that racism was not an opinion but an offence and that, consequently, the prohibition of the dissemination of racist ideas was compatible with the right to freedom of expression.

22. The Commission should merely take note of the reports before it without expressing interest, satisfaction or any other sentiment, especially when a Special Rapporteur expressed a personal opinion that was unacceptable and totally unfounded by stating, for example, that the Qur'an was one of the primary sources of anti-Jewish sentiment.

23. It would be well to recall that Muslim Arabs were also Semites and that the Qur'an expressly prohibited harming others. He remembered having seen, as a child, signs forbidding access to certain Algerian beaches for Jews, Arabs and dogs while at the same time, King Mohammed V in Morocco had forbidden his Jewish subjects to wear the yellow star. The reception extended by the Ottoman Sultan Selim II to the Jews who had fled Catholic Spain should also be recalled.

24. The Special Rapporteur's statement, which smacked of religious intolerance, should be condemned in the strongest possible terms.

25. Mr. CHOWDHURY (Bangladesh) said he unequivocally supported those delegations that had vigorously condemned the offensive words of the Special Rapporteur regarding Islam.

26. Mr. HYNES (Canada) said that in view of the gravity of the scourges of racism, intolerance and xenophobia, the delegations on whose behalf he spoke, namely Japan, Liechtenstein, Norway, Switzerland and Canada, were very much in favour of the organization of a high-level conference on racism which should focus on specific action to combat racism rather than at the elaboration of new standards.

27. The delegations he had cited would, in cooperation with others, ensure that the funds required for the convening of such a conference could be found within the resources available to the United Nations, on the understanding that, in view of the gravity of the Organization's financial situation, the financing of the conference would not be at the expense of other human rights programmes.

28. Mr. BENITO (Centre for Human Rights), outlining the administrative and programme-budget implications of draft resolution E/CN.4/1997/L.12/Rev.1, as set out in E/CN.4/1997/L.115, said that the cost of the expert seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (US$ 194,500) could be defrayed using allocations provided for under sections 21 (Human Rights) and 26 E (Conference Services) of the 1996-1997 programme budget.

29. As for the financing of a world conference on racism, racial discrimination, xenophobia and related intolerance, the cost of which was estimated at US$ 2,495,200, it would be considered in the context of the preparation of the programme budget for the biennium 2000-2001.

30. Mr. AKRAM (Pakistan) requested that, in accordance with the proposal made by the representative of Indonesia, the Commission should delete the passage in the report of the Special Rapporteur that constituted an insult to Islam.

31. Following a procedural debate in which the CHAIRMAN, Mr. TARMIDZI (Indonesia), Mr. AKRAM (Pakistan) and Mr. van WULFFTEN PALTHE (Netherlands) participated, it was decided to defer consideration of the matter until after the adoption of draft resolutions L.12/Rev.1 and L.9/Rev.1.

32. Mr. van WULFFTEN PALTHE (Netherlands), speaking in explanation of vote before the vote on behalf of the members of the European Union, which were currently celebrating the European Year against Racism, said that those countries attached the highest importance to combating that scourge, which was an issue that deserved the fullest attention at the global level. The fight against racism should be as action-oriented as possible, and the focus should be on implementation of existing legal instruments.

33. During the negotiations on the draft resolutions under consideration, the European Union had reiterated its position that careful consideration should be given to the holding of a world conference on racism. The preparations for and the follow-up to such a conference would strain the capacities both of the United Nations system and of its Member States. It was certainly necessary to address the issue of racism at the highest level, but that did not necessarily mean a world conference. Any high-level event must be carefully prepared at the national and regional levels, addressing all forms of racism, discrimination based on race, colour, descent, national or ethnic origin and xenophobia and related intolerance.

34. On that understanding, the countries of the European Union would not stand in the way of the adoption without a vote of the two draft resolutions.

35. Mrs. RUBIN (United States of America), speaking in explanation of vote before the vote, said that the improvement of race relations was crucial to her country, which wholeheartedly supported the goal of eradication of racism. Both at national level and in State and local government, in cooperation with citizens at every level of society, new methods and strategies were being developed to combat racial intolerance.

36. The United States was pleased that the draft resolutions reaffirmed the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The United States had been one of the first countries to have invited the Special Rapporteur to visit on a fact-finding mission. Although it did not agree with all his conclusions and methods of operation, her country believed it was vitally important for him to continue his work.

37. In view of the human costs of racism and racial discrimination, it was of the utmost importance that the United Nations should continue to provide a forum for the world community in combating racism and racial intolerance. The United States could not, however, support any recommendation for a world conference on racism, for it believed that there were more productive ways of fighting that problem. The time, money and energy that would be invested in

such an enterprise would be better devoted to combating racial problems directly. It would be inappropriate to convene another world conference at the very time when the United Nations was trying to regain financial solvency. What was needed was action, not more words, and the first step would be to fulfil the objectives established in the International Convention on the Elimination of All Forms of Racial Discrimination.

38. Her delegation endorsed the statements made by the representatives of Canada and the Netherlands concerning the administrative and programme-budget implications of draft resolution E/CN.4/1997/L.12/Rev.1, as set out in document E/CN.4/1997/L.115. Paragraph 50 of draft resolution L.12/Rev.1 called for the world conference to be held with due regard for economy, yet expenditure in the order of US$ 30 million was envisaged for the holding of a conference in Geneva. Her delegation would return to that issue in the Fifth Committee of the General Assembly with a view to ensuring that the request mentioned above was taken into account.

39. Mr. PEREZ OTERMIN (Uruguay) said that his country had joined in the consensus on draft resolution E/CN.4/1997/L.9/Rev.1, but would have preferred the eighth preambular paragraph to have been left unchanged, for it believed that under Uruguayan legislation and international law, racism was not an opinion but an offence.

40. Draft resolutions E/CN.4/1997/L.9/Rev.1 and E/CN.4/1997/L.12/Rev.1, as orally revised, were adopted without a vote.

41. Mr. AKRAM (Pakistan) said that the Commission was now required to take a decision on the content of the report of the Special Rapporteur (E/CN.4/1997/71). He proposed that the sentence cited by the Indonesian delegation be deleted.

42. Mr. ZAHRAN (Egypt) said that the very title of the section incorporating the sentence referred to by the representative of Indonesia (Islamist and Arab anti-Semitism) was unacceptable. How could the Special Rapporteur accuse Arabs of anti-Semitism when they were Semites themselves? The Special Rapporteur was not an independent expert: he had been appointed by the Commission, which was entitled to evaluate his work. In the present instance, it was imperative for the Commission to inform the Special Rapporteur of the objections raised and to urge him to make the necessary changes to his report.

43. Mr. HÖYNCK (Germany) said that, while he understood the reservations expressed regarding the report of the Special Rapporteur, he feared that by agreeing to amend the text, the Commission might be setting a dangerous precedent. Like other delegations, he thought that there must be another way of settling the problem to the satisfaction of the States that had raised it, without resorting to such an extreme measure.

44. The CHAIRMAN pointed out that it was the first time that the Commission had to take a decision on a proposal for the deletion of part of a report by a Special Rapporteur. In view of the letter addressed to him on the subject and the statements made by some delegations, he would suggest that the officers should contact the Special Rapporteur to ask him for explanations. The

delegations concerned could carry out consultations on the matter to decide on the procedure to be followed. He therefore suggested that consideration of the matter should be postponed until the next meeting.

45. Mr. CHOWDHURY (Bangladesh) pointed out that the representative of Pakistan had made a specific proposal. Whatever the results of the proposed consultations, he urged that the offending passage in the report should be deleted.

46. Mrs. BOIKOVA (Bulgaria) endorsed the idea of holding consultations on the matter but agreed with the representative of Germany that the deletion of part of the report would set an unfortunate precedent. She did not approve of the contents of paragraph 18, for example, but would not for that reason call for it to be deleted.

47. Mr. DEMBRI (Algeria), referring to the comments by the Bulgarian delegation, said that in the present instance it was not simply a case of disagreeing with comments regarding certain practices. For Muslims, the remarks of the Special Rapporteur were an insult to their faith, for they raised issues that they considered to be sacred.

48. The CHAIRMAN said that if there was no objection, he would take it that the Commission agreed to defer the discussion on the matter until its next meeting, after the parties concerned would have undertaken the necessary consultations.

49. It was so decided.

The meeting rose at 1.05 p.m.